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## **OLR Bill Analysis**

**sHB 5164 (as amended by House "A")\***

### ***AN ACT CONCERNING REVISIONS TO THE MOTOR VEHICLE LAWS.***

#### **SUMMARY:**

This bill makes a number of changes to motor vehicle laws. Among other things it:

1. replaces learner's permits with "instruction" permits, and requires people over age 18 to obtain one before learning to drive on public roads (§§ 28, 36-42);
2. expands the circumstances in which wreckers can exceed statutory weight limits (§§ 50-51);
3. increases the application fee for people seeking to operate new taxi companies, requires that the applicants have at least three taxis, exempts taxis from child safety seat requirements, and makes other changes to laws affecting taxis (§§ 52-54);
4. authorizes the Department of Motor Vehicles (DMV) commissioner to issue a one-time six-month extension of a driver's license or identity (ID) card when she needs more time to determine if the license or card holder qualifies for renewal (§4);
5. requires motor vehicle dealers to (a) conduct safety inspections of used motor vehicles they sell and repair any defects or (b) sell the vehicle "as is," providing buyers with appropriate documentation (§ 35);
6. requires the emergency services and public protection commissioner to complete state and national criminal history

- records checks for applicants for school bus and school transportation vehicle licenses within 60 days (§ 49);
7. requires police to submit to the DMV commissioner the results of certain urine samples provided by drivers injured or allegedly injured in a motor vehicle accident in the same way they must for certain blood samples (§ 19);
  8. restores a requirement that driver's license and ID card holders appear for every other license or card renewal to have their photograph taken (§4);
  9. requires DMV to transmit certain information to the Selective Service System (§ 48);
  10. requires the DMV commissioner to delay issuing a license for 90 days to people convicted for a second or subsequent time of driving without a license (§ 28);
  11. eliminates criminal penalties for certain motor carrier violations (§32);
  12. allows the DMV commissioner to issue a six-month "courtesy" registration for motor vehicles for which adequate proof of ownership is pending (§21);
  13. increases, from \$65 to \$69, the fee for low number license plates (§14);
  14. continues the subcategory of, and corresponding operator's license endorsement for, "activity vehicles" (§§ 25-26);
  15. requires the motor vehicles and correction commissioners to establish a procedure for prisoners to renew their licenses and ID cards without appearing in person (§20);
  16. eliminates four-year noncommercial driver's licenses (§§ 4 & 6);
  17. requires DMV to study the Internet auction of license plates (§ 47); and

18. makes other changes to motor vehicle laws.

The bill also makes minor, conforming, and technical changes (§§ 27, 29, and 31), including correcting an apparent ambiguity in the statutes (§ 30), which are effective October 1, 2012.

\*House Amendment "A" adds provisions requiring (1) certain background checks for people who want to drive school buses and student transportation vehicles to be completed in 60 days, (2) the DMV commissioner to delay issuing a license to people convicted of driving without a license for a second or subsequent time, (3) DMV to study the Internet auction of license plates, and (4) DMV to transmit certain information to the Selective Service System. It also adds provisions (1) changing the taxi laws, (2) expanding the circumstances in which wreckers can exceed statutory weight limits, and (3) requiring the transportation commissioner to issue permits for vehicles transporting mobile homes and similar buildings. It eliminates provisions phasing out "year-of-manufacture" plates and making certain changes to laws affecting wreckers. It also makes minor and technical changes.

EFFECTIVE DATE: Various (see below)

## **§ 1 — VEHICLES ELIGIBLE FOR REGISTRATION THROUGH DEALERSHIPS**

The bill allows the commissioner to broaden the types of vehicles certain licensed motor vehicle dealers can register at the time of sale. By law, the commissioner may appoint licensed dealers to issue new registrations for passenger cars, motorcycles, campers, camp trailers, trucks, commercial trailers, and service and school buses. The bill allows these dealers to issue new registrations for such other types of vehicles as the commissioner determines, and makes a conforming change.

EFFECTIVE DATE: July 1, 2012

## **§ 2 — LATE FEE FOR BOAT TRAILER REGISTRATIONS**

The law allows marine dealers to register all boat trailers they own

under a general distinguishing number and mark. The commissioner charges \$50 a year for each number plate furnished. The bill requires the commissioner to impose a \$25 late fee for renewing a registration if the dealer fails to renew it within five days after it expires.

EFFECTIVE DATE: October 1, 2012

### **§ 3 — LIMITING REGISTRATION FOR EXPERIMENTAL TEST VEHICLES**

By law, the commissioner may issue special number plates to automotive equipment manufacturers for motor vehicles used to test motor vehicles or automotive equipment. Under the bill, these registrations expire one year from the date they are issued and cannot be renewed. Under current law, these registrations expire annually on March 31 and may be renewed indefinitely.

EFFECTIVE DATE: October 1, 2012

### **§§ 4 & 6 — EXTENDING CERTAIN DRIVER'S LICENSES FOR SIX MONTHS, REQUIRING PHOTOGRAPHS AT EVERY OTHER LICENSE RENEWAL, AND ELIMINATING FOUR-YEAR NONCOMMERCIAL LICENSES**

The bill authorizes the commissioner, starting January 1, 2013, to issue a one-time, six-month extension of an individual's driver's license or ID card if (1) she needs additional time to determine whether the individual qualifies for a renewal or (2) the license or card holder provides the commissioner with satisfactory documentation that he or she was out-of-state during the renewal period. A \$30 fee for this one-time extension is non-refundable.

It restores a requirement that license and ID card holders have their photograph taken at every other license or card renewal. PA 11-48 eliminated this requirement.

The bill eliminates four-year noncommercial driver's licenses.

EFFECTIVE DATE: July 1, 2012

### **§ 5 — SUBSTANCE ABUSE PROGRAMS**

Commercial driver's license (CDL) holders who commit two or more of certain offenses, including driving under the influence, are disqualified for life from driving a commercial motor vehicle. But by law, most CDL holders disqualified for life may apply for reinstatement after 10 years if they have voluntarily enrolled in and successfully completed an alcohol and drug addiction treatment program specified by law. PAs 11-48 and 11-51 eliminated this program. The bill requires instead that to be considered for reinstatement, disqualified CDL holders must voluntarily enroll in, and successfully complete, (1) a substance abuse treatment program established and operated by the Department of Mental Health and Addiction Services, (2) a program operated through a licensed substance abuse treatment facility, or (3) an equivalent program offered in another state.

EFFECTIVE DATE: July 1, 2012

#### **§§ 7 & 8 — REPAIRER FEES**

By law, licensed motor vehicle repairers, new and used motor vehicle dealers, and motor vehicle rental companies, and applicants for such licenses, must furnish cash or surety bonds. Repairers and used and new motor vehicle dealers must also furnish proof of financial responsibility (insurance). The bill requires the commissioner to impose a \$50 fee on licensees who fail to continuously meet these bond and financial responsibility requirements. The fee is in addition to license suspension or revocation penalties and civil penalties of up to \$1,000 per violation.

EFFECTIVE DATE: October 1, 2012

#### **§ 9 — AUTOMOBILE CLUB LICENSES**

By law, the commissioner may revoke an automobile club license after a hearing and for cause, and the licensee may appeal her decision to Superior Court. The bill explicitly requires the commissioner to provide notice of her intent to revoke a license, and allows a license applicant, as well as a license holder, to appeal. It extends the duration of automobile club licenses from one to two years, eliminates the

annual June 30 expiration date, and makes corresponding changes to the license and renewal fee.

EFFECTIVE DATE: October 1, 2012

**§§ 10-12, 22-24, & 56 — ELIMINATING “INTERMEDIATE PROCESSORS”**

The bill eliminates the motor vehicle recycler subcategory of intermediate processors and laws pertaining to them (see BACKGROUND). For example, current law exempts an intermediate processor operating at a licensed facility from a law barring people, firms, or corporations from establishing, operating, or maintaining a motor vehicle recycler’s yard or business without local approval of the business location.

Under current law, an intermediate processor dismantles, crushes, or otherwise conditions junk or abandoned motor vehicles or parts for delivery to a scrap metal processor, or for other legal disposal, but does not sell motor vehicle parts for reuse as parts. The law requires the junk, abandoned motor vehicles, or parts, at the time of dismantling or crushing, to be owned by, in the custody of, and located on the premises of, or maintained by, a licensed motor vehicle recycler or exempt public agency.

EFFECTIVE DATE: July 1, 2012

**§ 13 — MOVING VIOLATIONS**

By law, DMV may require a driver who commits a certain number of specific moving or suspension violations to attend a driver retraining program. The bill eliminates a number of offenses from those the violation of which counts towards referral to the retraining program. These include illegally using a device to interfere with a traffic signal (e.g., a device allowing a vehicle to delay a traffic light from turning red), failing to stop for a crossing guard, and exercising due care to avoid pedestrians.

EFFECTIVE DATE: July 1, 2012

**§ 14 — INCREASING THE FEE FOR LOW NUMBER PLATES**

The bill increases, from \$65 to \$69, the fee DMV charges for the first registration period for low number license plates (the numbers “1” to “10000” for passenger vehicles and numbers “1” to “500” for dealers’ plates). This fee is in addition to the regular two year registration fee of \$80, plus the \$10 Clean Air Act fee.

EFFECTIVE DATE: July 1, 2012

**§§ 15, 17 & 18 — RENAMING DUPLICATE CERTIFICATES OF TITLE “REPLACEMENT” CERTIFICATES OF TITLE**

The bill renames “duplicate” certificates of title “replacement” certificates of title.

EFFECTIVE DATE: January 1, 2013.

**§ 16 — ELECTRONIC TITLE RECORDS**

Current law requires the commissioner to present or mail most certificates of title to the first lien holder named in it, if any, or to the owner. It allows the commissioner to maintain an electronic title file for recording and storing evidence of a lien holder’s security interest, and requires her to present or mail a certificate to the owner when the first lien holder’s interest is satisfied, unless the commissioner has recorded another security interest.

The bill allows, rather than requires, the commissioner to present or mail a title in these cases. It allows her as an alternative to maintain a title record in electronic form, and issue the title at the lien holder’s or owner’s request, as the case may be.

EFFECTIVE DATE: July 1, 2012

**§ 19 — URINE SAMPLES PROVIDED BY DRIVERS FOLLOWING AN ACCIDENT**

By law, a police officer who obtains the results of a chemical analysis of a blood sample taken from a driver injured, or allegedly injured, in an accident, or who the officer believes needs to go to a hospital for treatment or observation, must submit the test results to

DMV for use in an administrative per se suspension proceeding (see BACKGROUND) if certain conditions are met. The bill requires police to follow a similar procedure with a urine sample provided by the driver.

By law, the officer must notify the DMV commissioner and submit a written report to her if the test results of the blood sample indicate an elevated blood alcohol content and the driver was arrested for driving under the influence in connection with the accident. The bill requires an officer to send the commissioner the results of a chemical analysis of a urine sample in the same circumstances. The results of the urine test can be introduced at the per se hearing. The bill also makes a conforming change.

EFFECTIVE DATE: July 1, 2012

## **§ 20 — PRISONER LICENSE AND ID CARD RENEWAL**

Current law requires DMV, on a prisoner's written request, to extend the expiration date of his or her driver's license for two years, or 30 days after he or she is released, whichever occurs first.

The bill instead requires the DMV commissioner to consult with the correction commissioner to establish a procedure to renew an inmate's license or ID card without the prisoner needing to appear in person. (The commissioner may already do this for members of the armed forces, people living out-of-state for business or educational purposes, and others (CGS § 14-36d)). The prisoner must initiate the renewal process in response to a renewal notice. The bill does not apply to (1) the initial issuance of a license or ID card or (2) a license or ID card that expired more than two years before the inmate's renewal request.

EFFECTIVE DATE: October 1, 2012

## **§ 21 — COURTESY REGISTRATIONS**

The bill allows the commissioner to issue a six-month "courtesy" registration for any motor vehicle for which adequate proof of ownership is pending, including motor vehicles previously registered in other states awaiting the out-of-state title or title lien release



necessary to get permanent Connecticut registration.

Issuance of the courtesy registration requires the applicant to have proper sale documents in his or her name and meet all other registration requirements. The fee for a courtesy registration six months or less is one-quarter the amount for a two-year permanent registration or one-half the amount for a one-year permanent registration. The owner of a vehicle with courtesy registration may get a permanent registration after presenting the commissioner with documents showing proof of ownership. The courtesy registration fee cannot be refunded or applied to the fee for a permanent registration.

EFFECTIVE DATE: October 1, 2012

#### **§§ 25 & 26 — ACTIVITY VEHICLES**

The bill continues the vehicle category of, and corresponding “A” license endorsement for, “activity vehicles,” a type of student transportation vehicle. Activity vehicles are used to transport students in connection with school-sponsored events and activities, but not to or from school. Under current law, the activity vehicle category and endorsement are to be eliminated on July 1, 2012.

EFFECTIVE DATE: July 1, 2012

#### **§§ 27, 29, & 31 — MINOR AND TECHNICAL CHANGES**

EFFECTIVE DATE: October 1, 2012

#### **§ 28 — PENALTY FOR DRIVING WITHOUT A LICENSE**

The bill requires the motor vehicles commissioner to suspend for 90 days the driving privileges of a person convicted for a second or subsequent time of driving without having obtained a driver’s license. It prohibits the commissioner from issuing the offender a license until (1) this 90-day period expires and (2) the offender has satisfied all applicable license requirements. The law already prohibits the commissioner from issuing a driver’s license, for a period of time the commissioner determines, to a person who drives without holding a Connecticut driver’s license (CGS § 14-111 (g)) (see BACKGROUND).

The bill also makes technical and minor changes.

EFFECTIVE DATE: October 1, 2012

**§ 30 — CLARIFYING AMBIGUOUS STATUTORY LANGUAGE**

Current law requires the commissioner to delay issuing a license to individuals under age 21 who commit certain offenses. The bill eliminates certain ambiguities in the statute describing those offenses (see BACKGROUND).

EFFECTIVE DATE: October 1, 2012

**§ 32 — CLARIFYING PENALTIES FOR VIOLATIONS OF LAW ON COMMERCIAL MOTOR VEHICLE INSPECTIONS**

The bill changes the penalties for violating laws prohibiting any (1) person or motor carrier from operating a commercial motor vehicle or combination of these vehicles (e.g., large trucks) in Connecticut unless the vehicle has had a federally required periodic inspection in the previous 12 months; (2) person, motor carrier, or licensed dealer or repairer from conducting such an inspection in any manner other than that prescribed in federal regulations; and (3) person, motor carrier, or licensed dealer or repairer from making a false statement about the inspection or condition of a commercial vehicle or component he or she is required to inspect, or about the repair he or she made on any commercial vehicle or component that must be inspected.

Under current law, a person who violates either (1) or (2) is guilty of an infraction for a first offense, and may face a civil penalty for subsequent offenses of between \$1,000 and \$10,000. Anyone who violates (3) faces (a) a fine of up to \$1,000, up to 90 days in prison, or both, for a first offense, and a fine of at least \$2,000, up to one year in prison, or both, for subsequent offenses, and (b) a civil penalty of between \$1,000 and \$10,000. A person who violates (3) also may be subject to the penalties for 2<sup>nd</sup> degree false statement (see BACKGROUND).

The bill instead subjects anyone who commits any of the above violations to civil penalties of between \$1,000 and \$10,000 and requires

that the alleged violator be given notice of the charge and the opportunity for a hearing under the Uniform Administrative Procedure Act. It requires (1) an individual to knowingly have made a false statement regarding an inspection or repairs to be guilty of that violation and (2) that such a person also be charged with 2<sup>nd</sup> degree false statement.

EFFECTIVE DATE: Upon passage

### **§§ 33 & 34 — BUREAU OF REHABILITATIVE SERVICES AND DRIVER TESTING**

PA 11-44 moved, from DMV to the Bureau of Rehabilitative Services (BRS), a unit that evaluates, trains, and tests people with disabilities on motor vehicle operation. The bill eliminates BRS' ability to test such a person. It instead requires BRS to certify to DMV in writing when a person with disabilities successfully completes the driver training program, and to recommend any restrictions or limitations on the person's driver's license. Under the bill, the DMV commissioner may accept this certification instead of requiring a driving test. Provided the individual has met all other requirements for obtaining a license, the commissioner must issue him or her a license with the recommended restrictions.

By law, a Motor Vehicle Operator's License Medical Advisory Board advises the DMV commissioner on medical aspects and concerns of licensing drivers. Under current law, any reports or records that DMV, the commissioner, the board, or its members issue or receive under the laws on the advisory board or the Board of Education and Services for the Blind are for the confidential use of the commissioner and the board in deciding whether an individual meets the driver's license health standards. The bill (1) expands the confidentiality requirement to include all reports or records received or issued by the department, commissioner, board, or its members in making such decisions and (2) imposes the same confidentiality requirements on reports or records issued or received by the BRS driving training program staff when making these decisions. It also makes technical changes.

EFFECTIVE DATE: Upon passage

### **§ 35 — USED VEHICLE SAFETY INSPECTIONS**

The bill requires motor vehicle dealers to conduct a comprehensive safety inspection before offering any used motor vehicle for retail sale. The inspection must cover all applicable equipment and components covered by law.

It requires the dealer to give the buyer a document, in a form the DMV commissioner approves, and under penalty of 2<sup>nd</sup> degree false statement (1) documenting the inspection and (2) stating that the dealer has made all necessary repairs and that the vehicle is safe for legal highway operation.

If the inspection finds defects that the dealer does not repair, and if the vehicle is not subject to a warranty as an “as is” sale according to law (see BACKGROUND), the dealer may sell the vehicle “as is” provided he or she notes all the defects on the form. A vehicle sold “as is” under the bill with at least one defect must have the retail purchase order, invoice, title, and assignment documents marked prominently “not in condition for legal operation on the highways.” The defects must be noted and explained on the order, invoice, and safety inspection form.

The dealer must have the buyer acknowledge the vehicle’s condition by having the buyer sign the purchase order, invoice, and safety inspection form. A dealer cannot charge a fee for the safety inspection or any repairs made to correct defects the inspection discovered. But the bill does not limit or otherwise regulate the retail sale price a dealer can charge for a vehicle that has been inspected or repaired before sale. It also does not negate or preempt any law concerning used car warranties. The bill also does not apply to fees for any inspection or work performed under the terms of a lease buy back.

By law, the commissioner may suspend or revoke a dealer’s license or impose a civil penalty of up to \$1,000 for violations of laws or regulations pertaining to its business (CGS § 14-64).

EFFECTIVE DATE: October 1, 2012

**§§ 28, 36-42 — REPLACING LEARNER’S PERMITS WITH INSTRUCTION PERMITS AND REQUIRING THEM FOR PEOPLE AGE 18 AND OVER**

The law requires 16- and 17-year-olds who are learning to drive to obtain a learner’s permit before driving on a public road. The bill imposes the same requirement on people age 18 or over and renames learner’s permits for people this age “adult instruction permits.” It accordingly renames traditional learner’s permits and motorcycle training permits “youth instruction permits” and “motorcycle instruction permits,” respectively, and makes conforming and technical changes. It imposes the current \$19 fee for learner’s permits on adult and youth instruction permits.

Under current law, a learner’s permit expires either when the holder receives a driver’s license or when he or she turns 18, whichever is earlier. Under the bill, the youth instruction permit also expires two years after it is issued, which means that it now expires on the earliest of the three events.

***Adult Instruction Permits***

The bill requires that people age 18 or older who do not have a driver’s license and are learning to drive obtain an adult instruction permit before driving on a public highway. When doing so, the permit holder must have the permit in his or her immediate possession and, as under current law, be under the instruction of a (1) licensed driving instructor or (2) person age 20 or older who has held a driver’s license for at least four years and has not had it suspended during the four years before teaching the permit holder.

Under the bill, an individual age 18 or older is ineligible to obtain an adult instruction permit if he or she has had a driver’s license from any jurisdiction suspended or revoked. Under current law, a person age 18 or older cannot operate a motor vehicle without a driver’s license if he or she has had a Connecticut driver’s license suspended or revoked.

EFFECTIVE DATE: January 1, 2013, except for the provision

changing CDL learner's permits to instruction permits, which is effective July 1, 2012.

#### **§ 43 — INSTRUCTOR AND MASTER INSTRUCTOR LICENSES**

The bill extends from one to two years the duration of driving instructor licenses and renewals and changes instructor and master instructor license and renewal fees accordingly.

EFFECTIVE DATE: October 1, 2012

#### **§ 44 — WRECKER RECORDS**

The law requires owners of registered wreckers to maintain various records. The bill allows the commissioner to permit any licensed motor vehicle dealer who operates a wrecker service to keep, in an electronic form she prescribes, all records, documents, and forms DMV requires. The dealer must be able to produce these records, documents, and forms in written form no later than three business days after DMV requests them.

EFFECTIVE DATE: October 1, 2012

#### **§ 45 — EMISSIONS TESTING LATE FEE**

Current law requires the commissioner to waive the emissions testing \$20 late fee where a vehicle has changed ownership after its assigned emissions inspection or re-inspection period has expired, if the new owner has it inspected within 30 days of registering it. The bill instead requires the new owner to (1) have the vehicle inspected within 30 days of registering it and (2) pay the late fee after this 30-day period expires (apparently, only if the owner has not had it inspected during that time).

EFFECTIVE DATE: October 1, 2012

#### **§ 46 — DRIVING SCHOOL RENEWAL FEES**

Under current law, the annual fee to renew a license to operate a driving school is \$350 and the annual fee for each of the operator's additional places of business is \$88. The bill makes these fees biennial,

rather than annual, and adjusts the fees accordingly. It increases the late fee from \$350 to \$700.

EFFECTIVE DATE: October 1, 2012

#### **§ 47 — INTERNET AUCTION OF LICENSE PLATES**

The bill requires DMV to study, and recommends ways to develop, a program to sell number plates by Internet auction. Its recommendations must address (1) establishing procedures for people to buy and sell the plates, (2) transferring plates, (3) issuing new registrations, and (4) charging for participation in the program. DMV must report its findings to the Transportation Committee by January 15, 2014.

EFFECTIVE DATE: Upon passage

#### **§ 48 — TRANSMITTAL OF INFORMATION TO THE SELECTIVE SERVICE SYSTEM**

The bill deems that any person younger than 26 who is required to register with the Selective Service System (system) consents, when applying for or renewing a driver's license, CDL, instruction permit (currently a learner's permit), or ID card, to DMV transmitting information necessary for such registration to the system. It requires the (1) DMV license and renewal applications to state that they constitute such consent and (2) commissioner to electronically transmit the necessary information to the system on receipt of the application. It authorizes the commissioner to accept payment from the system for the costs of implementing this provision.

EFFECTIVE DATE: July 1, 2013

#### **§ 49 — CRIMINAL HISTORY RECORD CHECKS FOR SCHOOL BUS AND STUDENT TRANSPORTATION VEHICLE DRIVERS**

By law, the DMV commissioner requires that people applying for a license endorsement to drive school buses or student transportation vehicles submit to checks of (1) state and national criminal history

records and (2) the state child abuse and neglect registry. The bill requires the emergency services and public protection commissioner to complete the state and national criminal history records checks within 60 days of receiving a request for such a check. It also makes conforming changes.

EFFECTIVE DATE: July 1, 2012

## **§§ 50 & 51 — WRECKERS**

State and federal law establish weight and size restrictions that normally apply to vehicles using the national highway system, but allow for exceptions. State law establishes limits on a vehicle's gross (total) weight and the weight on any single axle.

Current state law allows a wrecker with an annual Department of Transportation (DOT) permit to tow or haul a vehicle from a highway under certain conditions when the combined gross weight of the wrecker and towed vehicle exceed the legal limits. Under current law, a wrecker may exceed these limits when towing a vehicle from a highway if the towed vehicle (1) was in an accident, (2) became disabled and remains within the limits of the highway, or (3) is being towed to the nearest licensed repair facility or its truck terminal at police direction.

The bill broadens the circumstances in which a wrecker may tow or haul a vehicle, and allows such tows to exceed not only the gross combination weight limits, but also axle, gross combination vehicle weight limits, or federal bridge formula requirements for vehicles with divisible or nondivisible loads (see BACKGROUND). It is not clear how the bill comports with federal law or regulation.

Under the bill, a wrecker with an annual permit (which the bill calls an annual wrecker towing or transporting permit) may exceed these limits or requirements when towing from a highway if (1) a vehicle exceeding these limits was in an accident, (2) a vehicle exceeding these limits became disabled and remains where it became disabled, or (3) such a vehicle is being towed or hauled at the direction of a traffic or



law enforcement authority. It therefore changes the current requirements that the vehicle must remain within the limits of a highway to a requirement that it remain where it was disabled, and eliminates the requirement that it must be taken to the nearest licensed garage or the trucking firm's terminal. It is not clear if the bill's provisions allowing wreckers to exceed statutory weight limits under the current annual or single-trip permit also apply to wreckers under the emergency permit (see below).

Under current law, all towing operations besides those meeting the conditions for an annual permit in which towed vehicles or loads exceed statutory weight limits must obtain a DOT single-trip permit. By regulation, a single-trip permit is valid for three days and for one trip between designated points. The bill instead requires any towing operation greater than 160,000 pounds and in excess of an axle, gross combination vehicle weight, or federal bridge formula requirements, to obtain a DOT single-trip permit in addition to the annual permit.

The bill allows wreckers to tow or haul a vehicle or combination of vehicles without regard to statutory limits on length or distance, as contained in CGS § 14-262. (Under current law, such wreckers may tow without regard to length limitations.) The reference to distance in CGS § 14-262 refers to the length between a truck axle and the kingpin, not the distance a vehicle travels.

By law, the transportation commissioner must adopt regulations setting standards for overweight vehicle permits. The bill requires the regulations to provide for a "wrecker towing or transporting emergency permit." A wrecker with such an emergency permit must comply with highway, bridge, and speed limits set by the commissioner. Under the bill, the annual fee for this emergency permit is \$125 for a wrecker with a manufacturer's gross vehicle weight rating (GVWR) of 26,000 pounds or less, and \$250 for wreckers with a GVWR of at least 26,001 pounds. Under current law, the fee for the annual permit for vehicles transporting divisible loads or overweight, oversized, or overweight and oversized indivisible loads, is \$7 per 1,000 pounds or fraction thereof. The annual fee for a vehicle

transporting an oversize indivisible load must be at least \$500.

EFFECTIVE DATE: Upon passage

## **§§ 52 — 54 TAXI INDUSTRY**

By law, people, associations, limited liability companies, and corporations seeking to operate a new taxi company must obtain a DOT certificate that public convenience and necessity require the operation of taxis in a specific territory. The bill increases the application fee for such a certificate from \$88 to \$2,000, and requires new applicants to operate at least three taxis.

It makes it a class A misdemeanor for anyone to (1) operate a taxi without obtaining a DOT certificate, or without obtaining authority to drive one from a certificate holder or (2) allow an unauthorized person to drive a taxi that is under his or her control.

The bill also:

1. allows DOT to impose a civil penalty of up to \$100 a day per violation on a taxi driver who violates laws or regulations pertaining to taxi fares, service, operation, or equipment. Current law allows imposition of this penalty on any person or an officer of any association, limited liability company, or corporation that violates these laws or regulations;
2. exempts taxis from the requirement that people who transport children of certain ages and sizes in motor vehicles use child restraint systems; and
3. increases the fee to sell or transfer a certificate from \$88 to \$1,000.

The bill also eliminates a law barring DOT from considering unregistered taxis as a reason to deny a request for additional taxis in a particular territory.

EFFECTIVE DATE: October 1, 2012, except for the provisions

making certain violations a class A misdemeanor, which are effective on passage.

### **§ 55 — TRANSPORTING MOBILE HOMES, MODULAR HOMES, HOUSE TRAILERS, OR SECTIONAL HOUSES**

The bill authorizes the DOT commissioner to grant a permit for vehicles transporting mobile homes, modular homes, house trailers, or sectional houses. He must adopt regulations prescribing standards for these vehicles. The regulations must require that:

1. the towing vehicle have minimum manufacturer's gross weight rating of 10,000 pounds and dual wheels on the drive axle;
2. these vehicles may only travel during daylight hours, weekdays, and favorable weather and road conditions;
3. vehicles wider than 12 feet be limited to traveling between the hours of 9 a.m. and 4 p.m., Tuesdays through Thursdays;
4. the maximum width of house trailers, including all roof overhangs, sills, knobs, and siding be 14 feet;
5. a safe passing distance be maintained between vehicles when the overall width of these vehicles is greater than 10 feet; and
6. the combined length of the unit when attached to the towing vehicle not exceed 85 feet except that 90 feet is permitted when the towed unit does not exceed 66 feet in length excluding the hitch and roof overhang.

Anyone who violates the provisions of any such permit, or fails to obtain such a permit is subject to the applicable penalties for exceeding state motor vehicle height and weight limitations. The bill does not specify a fee for the permit.

EFFECTIVE DATE: October 1, 2012

### **§ 57 — REPEALING A LAW ON CERTAIN LANDSCAPING VEHICLES**

The bill repeals a law requiring vehicles used for landscaping purposes with caged trailers to display an orange triangular caution sign on the rear of the trailer.

EFFECTIVE DATE: October 1, 2012

## **BACKGROUND**

### ***Intermediate Processors (§§ 10-12, 22-24 & 56)***

According to DMV, only three intermediate processor licenses have been issued since 1990, the last of which expired in 1993.

### ***Administrative Per Se (§ 19)***

The law provides that a person who drives a motor vehicle has implicitly given consent to alcohol and drug testing. It establishes administrative license suspension procedures (“administrative per se”) for drivers who refuse to submit to a test or whose test results indicate an elevated blood alcohol content. This suspension operates entirely independently of the procedures for prosecuting the accused.

### ***Penalties for Driving Without a License (§ 28)***

It is illegal to operate a motor vehicle (1) without a driver’s license or (2) when the driver’s license or right to operate in Connecticut (if a nonresident) has been suspended or revoked.

By law, a first violation of driving without a license is an infraction that carries a fine of between \$75 and \$90; subsequent offenses carry a fine of between \$250 and \$350, up to 30 days in jail, or both.

In addition, someone who violated either of the above laws (e.g., operated without a license or under suspension) once before must be fined an additional amount up to \$500 or sentenced to up to 100 hours of community service. Someone who violated either of the above laws at least twice before, or both at least once before, faces a prison sentence of one year, and must serve at least 90 days (CGS § 14-36 (i)).

The law also prohibits the commissioner from issuing a driver’s license for at least one year to anyone age 17 or less who is convicted of operating a motor vehicle without a license, if the commissioner finds

that the offender did not hold a license at the time of the offense (CGS § 14-36k).

***DMV Suspension Statute (§ 30)***

A Superior Court judge has found the statute (CGS § 14-111e) ambiguous on its face because the language could have more than one plausible meaning (*Cummings v. DMV*, Judge Mark H. Taylor, June 9, 2005). The judge found it was unclear whether, under § 14-111e, the DMV commissioner must delay issuance of a new driver's license to a person under age 21 convicted of (1) either buying or possessing alcohol or (2) both buying and possessing it.

***Second-Degree False Statement (§§ 32 & 35)***

Second-degree false statement is punishable by up to one year in prison and a fine of up to \$2,000 (CGS 53a-157b).

***Sale of Vehicle "As Is" (§ 35)***

By law, a used motor vehicle may be sold "as is" only if its cash purchase price is less than \$3,000 or it is at least seven years old. A specifically worded "as is" sales disclaimer must appear on the front page of the sale contract, and must be signed by the buyer. An "as is" used motor vehicle sale waives implied warranties but does not waive any express warranties, oral or written, or affect the dealer's responsibility for any oral or written representations on which the buyer relied (CGS § 42-224).

***Divisible and Indivisible (or Nondivisible) Loads (§§ 50 & 51)***

An indivisible load is one that cannot be dismantled, disassembled or loaded to meet legal size or weight limits (e.g., a bridge beam); a divisible load includes bulk material and raw products that can be reduced in size or weight to meet these size or weight limits (e.g., sand, gravel, or asphalt) (Conn Agency Regs. § 14-270-1 (b) & (h)).

***Federal Bridge Formula (§§ 50 & 51)***

The federal bridge formula, which Congress enacted in 1975, determines the maximum allowable weight for a vehicle based on the number of axles and the distance between axle groups. Connecticut

adopted the federal formula in 1980 (PA 80-71).

***Weight Limits (§§ 50 & 51)***

By law, the axle weight on any axle and the gross weight of any vehicle or combination of vehicle and trailer or vehicle and semitrailer or any other object, including its load, may not exceed the lesser of the manufacturer's axle weight rating, the manufacturer's GVWR, or specific axle and gross weight limits (CGS § 14-267a). In most cases, the law also provides an alternative for calculating the maximum allowable gross weight by means of the federal bridge formula.

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute

Yea 37 Nay 0 (03/14/2012)

Judiciary Committee

Joint Favorable

Yea 37 Nay 2 (04/17/2012)

Finance, Revenue and Bonding Committee

Joint Favorable

Yea 37 Nay 12 (04/20/2012)